

**RESPONSE TO RESTRICTION REQUIREMENT**

Serial Number: 10/585,373

Dkt: IP-0338-US

Filing Date: July 21, 2006

Title: Modified Molecular Arrays

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**REMARKS**

Claims 54–60 were canceled earlier. Nonelected claims 17–37, 39, and 51–53 are canceled herein; the Applicants reserve the right to pursue their subject matter in one or more priority-related applications. Claims 4 and 44 are canceled as discussed below.

Claims 1, 11, 38, 40–43, and 45–48 are amended as discussed below. Claims 1 and 43 have been amended to incorporate the features of claim 44.

After entry of the amendment, claims 1–3, 5–16, 38, 40–43, and 45–50 will be pending.

**Regarding the Amendment to the Specification and Drawings**

The last paragraph of page 13 has been amended to include a brief description of Figure 12c. The description is supported by Figure 12c as originally filed. The parentheses in the Figure numbers have also been removed to conform to the drawings.

Figure 12(c) has been amended to correct the spelling of “FUG. 12c” to “FIG. 12c”.

**Rejections under 35 U.S.C. § 112, second paragraph**

Claims 1 and 43 are rejected for lack of clarity because the letter C represents a carbon atom or stands for a functional group variable. Although the meaning of a given C is believed to be clear in context to a skilled artisan, claims 1, 11, and 43 have been amended to distinguish the variable by adding an asterisk: C\*. In addition, an extraneous hyphen following C has been removed from formula (II). Both changes are to improve clarity without changing the substance of the claims.

Claim 4 is rejected for reciting the trade name SPECTRASIL™ (or rather Spectrosil®). Claim 4 was also objected to for the wording “silica fused silica”. This claim has been canceled to further prosecution of the other claims.

## Rejections under 35 U.S.C. § 102(b)

### — Ponticello

Claims 1, 2, 6–9, 11–13, and 14–16 are rejected for anticipation by U.S. Patent 5,212,253 (“Ponticello”). The Office Action points out the description of structure I in column 6, structure I:



where **L** can be  $-(\text{R}^3)_k-(\text{COXR}^4)_m-(\text{NHCO})_n-$

where  $\text{R}^3$  can be an arylene (not relevant if  $k = 0$ )

where X can be O or NH (i.e. forming  $-\text{COOR}$  or  $-\text{CONHR}$ )

where  $\text{R}^4$  can be an alkylene chain

and  $\text{R}^2$  is a haloacetamido group.

Taking the structure in claim 13 (BRAPA) as an example, the Applicants believe **L** would be most analogous to  $-\text{CONH}-(\text{CH}_2)_5-$ . However, this analogous structure and the genus recited in claims 1 and 43 do not fit within the disclosure of Ponticello as applied in the Office Action, which would require at least an extra amine.

Moreover, Ponticello does not describe polymerization on a solid support that has not been surface-modified, as recited in amended claims 1 and 43. The utility of using non-modified surfaces is discussed on pages 19 to 21 of the Specification.

### — Kim

Claims 37, 38, 39, 45, and 48 are rejected for anticipation by US Pub. 2003/0008413 (“Kim”). Claims 37 and 39 have been canceled and their features have been moved to new base claim 43. Claims 45 and 48 (among others) have been amended to depend from base claim 43. Accordingly, this rejection is moot.

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**Rejections under 35 U.S.C. § 103(a)**

**— Ponticello in view of Leon and Patani**

Claims 1–3 and 5–16 are rejected as obvious over Ponticello in view of US Pub. 2005/0064431 (“Leon”) and Patani *et al.*, *Chemical Reviews* 96:3147–3176 (1996) (“Patani”).

**— Kim in view of Ponticello, Rubner, Mir, and Adessi**

Claims 37–50 are rejected as obvious over Kim in view of Ponticello, US 2003/0157260 (“Rubner”), US Pub. 2004/0248144 (“Mir”), and WO 00/18957 (“Adessi”).

Both obviousness rejections rely on the disclosure of Ponticello, which does not adequately fit the species recited in claims 1, and 43, as discussed above. The secondary references do not remedy the defects in Ponticello, so the Applicant submits the combinations of the references do not state a *prima facie* case of obviousness.

The Applicants respectfully submit that the claims are in condition for allowance and request notification to that effect. If there any questions, please feel free call the Applicants’ attorney below.

Respectfully submitted,

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